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By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: EX PARTE – WC Docket No. 02-214: Application by Verizon for
Authorization to Provide In-Region InterLATA Services in Virginia

Dear Ms. Dortch:

WorldCom explained in its written comments and meetings that Verizon had filed its section 271 application for Virginia before it included in any interconnection agreements essential provisions that the Commission found in the Virginia arbitration were required by existing Commission rules. WorldCom further explained that there were operational steps Verizon still had to take to implement the Virginia Arbitration Order. Even today, Verizon has not taken these steps. In the paragraphs below, we update the record on the current status of these issues and respond to inaccuracies in Verizon's advocacy.

(1) Verizon Has Not Shown It Can Provide Customized Routing Over Feature Group D Trunks

Customized routing enables a requesting CLEC to designate the particular outgoing trunks associated with unbundled switching provided by the incumbent, which will carry certain classes of traffic originating from the CLEC's customers.¹ But the only "customized" routing currently provided by Verizon does not permit CLECs to route calls over the Feature Group D trunks used to transport long distance traffic. The Commission has previously indicated that customized routing should enable CLECs to

¹ UNE Remand Order at ¶ 441, n.867. ILECs are not required to provide OS/DA services as a UNE if they provide customized routing, pursuant to the UNE Remand Order. Id. ¶ 441. Verizon does not provide OS/DA services as a UNE and therefore must provide customized routing.

route calls over Feature Group D trunks if CLECs request such routing and it is technically feasible for the LEC to provide it.² It is essential that Verizon provide customized routing over Feature Group D trunks because it is only through such routing that WorldCom can economically route Operator Services/Directory Assistance (“OS/DA”) calls to its own OS/DA platform.

Verizon says that it “makes available customized routing with Modified Operator Services Signaling for Operator Services trunk groups.” Lacouture/Ruesterholz Reply Decl. ¶ 94. Verizon also insists that this MOS signaling has superior features. But these are not features WorldCom needs. And MOS signaling cannot be used in conjunction with Feature Group D trunks. MOS signaling was used for OS/DA traffic pre-divestiture because the ILECs had enough traffic to establish separate OS/DA trunks. CLECs do not have enough traffic to justify entirely separate OS/DA trunks from every end office to the CLECs’ OS/DA platforms. For it to be economically viable to route traffic to their own OS/DA platforms, CLECs need to route the traffic over their Feature Group D trunks that are shared with long distance traffic. This does not require Verizon to use Feature Group D signaling; it merely requires Verizon to use the basic functionality of the switch to translate OS/DA calls to make them appear like long distance calls. There is no doubt that this is technically feasible. Verizon has never argued otherwise. And several state commissions have found such routing to be technically feasible.³

In July 2001, WorldCom sent Verizon a letter requesting customized routing of OS/DA calls over WorldCom’s Feature Group D trunks in Pennsylvania. WorldCom also provided Verizon a comprehensive white paper showing how this could be accomplished. In essence, this involved translating the OS/DA calls at the switch to make them look like long distance calls so that they could be routed over long distance trunks. Verizon never responded to WorldCom’s letter.

WorldCom also requested customized routing over Feature Group D trunks during the Virginia Arbitration. Verizon stated that it could provide such routing, but in a manner different than WorldCom had suggested. Verizon stated that it could provide such routing through use of its Advanced Intelligent Network (“AIN”). WorldCom insisted that Verizon include this in the agreement and agree to contingency plans if the AIN method failed. The Commission agreed with WorldCom on this point.

But Verizon is not yet providing customized routing over Feature Group D trunks through either the method it proposed or the method WorldCom proposed. In August,

² Louisiana II 271 Order ¶ 226.

³ For example, an Administrative Law Judge in Minnesota concluded that WorldCom and others demonstrated that Qwest improperly did not accommodate technologies used for customized routing as required by the FCC, and therefore required Qwest to offer OS/DA as a UNE. See In re a Commission Investigation into Qwest’s Compliance with Section 271(C)(2)(B) of the Telecommunications Act of 1996; Checklist Items 3, 7, 8, 9, 10, and 12; OAH Docket No. 12-2500-14485-2, PUC Docket No. P-421/C1-01-1370, State of Minnesota Office of Administrative Hearings for the Minnesota Public Utilities Commission, May 8, 2002.

shortly after issuance of the arbitration order, WorldCom contacted Verizon about arranging a trial (which will occur in Pennsylvania). The parties agreed to a meeting on September 6. WorldCom and Verizon met on September 6 and met every Friday thereafter to discuss setting up a trial. They discussed operational issues associated with the trial. In addition, Verizon stated that WorldCom would have to enter a trial agreement with Verizon. But Verizon did not have such an agreement ready. After several weeks went by in which Verizon failed to provide a draft of an agreement, WorldCom escalated the issue. Then Verizon said in early October that it would have a lawyer draft the agreement and have it ready by October 14. Verizon later modified this to October 15. But WorldCom still has not received the agreement.

This is not the only thing holding up the trial, however. Verizon also insisted that WorldCom fill out paperwork needed to obtain a particular carrier ID and establish where Verizon would route 0+ and 0- calls among other things. WorldCom completed the paperwork on September 20. Verizon then insisted on some additional information, which WorldCom provided on October 4. But Verizon has yet to establish the routing needed for the trial to begin.

Thus, as was true at the time of WorldCom's initial filing, Verizon has not yet shown it is operationally ready to provide customized routing over Feature Group D trunks. It therefore has not met the requirements of the checklist.

(2) Verizon Has Not Shown It Can Provide Subloop Unbundling Without an Intermediate Device

WorldCom also explained that Verizon had not yet shown that it is capable of providing access to subloops at the NID or FDI without an intermediate device, as was required in the arbitration order. Virginia Arbitration Order ¶¶ 426, 433. Indeed, Verizon makes clear that this is so by stating that no CLEC has proposed a method for accessing subloops without such a device. Lacouture/Ruesterholz Reply Decl. ¶ 74. But Verizon has never asked WorldCom for such a proposal. And in fact there are several possibilities. At the FDI, for example, Verizon could provide direct access, could bring the subloop to a common block to which CLECs as well as Verizon would have access, or could coordinate its provisioning. But Verizon has not delineated the procedures by which any of these methods would be used. It is important for CLECs to have access to the subloop. When providing DSL service, for example, CLECs may want to connect their own copper feeder to the FDI when the ILEC is using fiber, so that DSL service can be provided. An intermediate device creates a point of potential failure.

(3) Verizon Has Not Shown That It Can Provide DS-3 Transport From Non-Intermediate Hub Locations

Verizon insisted during the arbitration that it could not provide local interconnection trunks having DS-3 interfaces in non-intermediate hub locations, because its multiplexing equipment could not accommodate such interfaces without modification. The Commission ordered Verizon to provide the interfaces where it was technically feasible to do so. Virginia Arbitration Order ¶ 237. This is important, as it is often far less expensive to transport traffic on DS-3s than on DS-1s.

But Verizon has not shown that it has performed the necessary modifications of its equipment. Verizon states that it “already provides DS-3 interfaces . . . at certain points in its network in Virginia. Verizon will be able to use those same procedures to provide DS-3 interfaces at other points in Verizon’s network where it is technically feasible to do so.” Lacouture/Ruesterholz Reply Decl. ¶ 82. But it is Verizon that insisted during the arbitration on the difficulty of providing DS-3 interfaces at the intermediate hub locations, without making modifications. Verizon must show that it has made the modifications needed to do so.

(4) Verizon Has Not Shown That It Can Provide Two-way Trunking Throughout The State

Verizon insisted during the arbitration that it must have the right to reject a request for a two-way trunk. Verizon argued that there were operational issues associated with provision of two-way trunking that it apparently believed would affect some trunks. Virginia Arbitration Order ¶ 146. Verizon has not shown that it has overcome these operational difficulties with respect to such trunks.

Verizon says that it has provided thousands of two-way trunks in Virginia. Lacouture/Ruesterholz Reply Decl. ¶ 81. That may be so, but it does not demonstrate that Verizon has taken any steps to overcome the operational difficulties it insisted exist with respect to other trunks in Virginia. It therefore has not yet met the requirement of the Arbitration Order. Virginia Arbitration Order ¶ 147.

* * * * *

Verizon’s intransigence in negotiations produced the long delay in reaching an interconnection agreement. Then immediately after it was ordered to enter an interconnection agreement with terms that complied with the Act, Verizon turned around and applied for section 271 authority. Verizon should have waited for the Act requires Verizon to comply first, before obtaining section 271 authorization.

Pursuant to the Commission’s rules, I am filing an electronic copy of this letter and request that it be placed in the record of this proceeding.

Sincerely,

Keith L. Seat

cc: Christopher Libertelli, Matthew Brill, Daniel Gonzalez, Jordan Goldstein, William Mayer, Jeffrey Carlisle, Brent Olson, Uzoma Onyeije, Gary Remondi, Janice Myles, Qualex International, Laura Starling (DOJ), David Aurlanuantham (DOJ), Katie Cummings (VSCC)